

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST
VIRGINIA (MARTINSBURG DIVISION)**

DAVID AND GABRIELLA SCHULTZ,

Plaintiffs,

v.

Civil Action No. 3:12-CV-15-JPB

**DAN RYAN BUILDERS, INC., and
EAGLE EXCAVATING &
CONTRACTING, LLC,**

(GROH)

Defendants.

MOTION TO DISMISS CASE

Pursuant to this Court's Order of July 3, 2013, Docket No. 37, and inasmuch as all Parties to the above styled action stipulate that they have entered into a Settlement Agreement on all issues in the above styled action, pursuant to F.R.C.P. 41 and LR Civ P 41.01, the Parties request by this Motion that this Honorable Court **DISMISS** this civil action with prejudice and retire it from the docket of this Court.

DAVID AND GABRIELLA SCHULTZ
By Counsel

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DAN RYAN BUILDERS, INC.

By Counsel

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**EAGLE EXCAVATING &
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By Counsel

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